

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
 LAKE GEORGE, NEW YORK,
 OCTOBER 2, 2005

Docket No.: DCA-06-MM-001

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Interview of: JOHN SCARANO

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, DC 20594

Friday,
 March 10, 2006

The above-captioned matter convened, by telephone,
 pursuant to notice.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board
Investigator-in-Charge

ROB HENRY
Naval Architecture Group Chairman

LIAM LARUE

BARRY STRAUCH

BRIAN KEMPF
New York State Parks & Recreation

JOHN SCARANO
Scarano Boat Building

IAIN PALTO
Cummins MerCruiser Diesel

RICK VAN HEMMEN

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1 I N T E R V I E W

MS. TURRELL: Okay. Good afternoon. This is Morgan Turrell of the National Transportation Safety Board. We're conducting a telephone interview of Mr. John Scarano, a party in the Ethan Allen investigation. Today is Friday, March 10th. This is done by teleconference and I'll have the parties introduce themselves.

My name is Morgan, M-o-r-g-a-n, last name is Turrell, T-u-r-r-e-l-l. I'm the investigator in charge of the Ethan Allen and also with me is --

MR. HENRY: Rob Henry, R-o-b, and that's Henry,
H-e-n-r-y, Naval Architecture Group Chairman.

MR. LARUE: Liam Larue, L-i-a-m, and Larue,
L-a-r-u-e.

MR. STRAUCH: This is Barry Strauch, B-a-r-r-r-y, Strauch, S-t-r-a-u-c-h. I'm the report writer of this -- for the investigation of this accident.

MR. TURRELL: Okay. And if we could just go through the order to introduce yourselves, please.

We'll start with you, Brian.

MR. KEMPF: Brian Kempf, with an I, K-e-m-p-f, New York State Parks and Recreation.

MR. TURRELL: And John.

MR. SCARANO: John Scarano, S-c-a-r-a-n-o, at Scarano Boat in Albany.

1 MR. TURRELL: And Iain from Cummins?

2 MR. PELTO: Iain Pelto, I-a-i-n, P-e-l-t-o,
3 representing Cummins MerCruiser Diesel.

4 MR. TURRELL: Okay. And will you all acknowledge one
5 at time that this is being recorded, starting with Brian?

6 MR. KEMPF: Yeah, Brian Kempf. I'll acknowledge.

7 MR. TURRELL: And Mr. Scarano.

8 MR. SCARANO: John Scarano, acknowledge.

9 MR. TURRELL: And Mr. Pelto.

10 MR. PELTO: Iain Pelto, acknowledge.

11 MR. TURRELL: Okay. And also Rick from Charano (ph).

12 MR. VAN HEMMEN: All right. Rick VanHemmen,
13 V-a-n-H-e-m-m-e-n.

14 MR. TURRELL: And it's being -- Rick, acknowledge
15 being recorded?

16 MR. VAN HEMMEN: Yes, sir.

17 MR. TURRELL: Okay. Very good. I'm going to turn
18 the questions over to Dr. Barry Strauch who will start asking
19 John Strauch [sic] the questions. Thank you.

20 MR. STRAUCH: Good afternoon, everybody. This is
21 Barry.

22 INTERVIEW OF JOHN SCARANO

23 BY MR. STRAUCH:

24 Q. I just want to confirm one thing before we start.
25 John, I know I explained rules to you and you're entitled to a

1 representative. Who's your representative at this interview?

2 A. Rick VanHemmen.

3 Q. Okay. All right. John, could you just tell us a
4 little bit about yourself and your background and the
5 background of your company?

6 A. Well, we -- I started Scarano Boat Building in 1976.
7 We originally did design and construction of small racing
8 sailboats, as well as service work on all types of small crafts
9 from '76 until 1986. In 1986 we began -- we entered into the
10 field of commercial boat building and design with our first
11 U.S. Coast Guard certified vessel. Since 1986 we've delivered
12 I guess 20 certified excursion vessels and over that period
13 we've also engaged in service work on all types of craft and
14 wood, metal, from, you know, dinghies to the 100 foot length on
15 deck range.

16 Q. Okay. And what about yourself? Can you just tell us
17 a little bit about your own background, education, experience
18 and so on?

19 A. Education is since high school self-study, focused on
20 boat design, really, since grammar school and my interests and
21 activities have been essentially in the boat design and boat
22 building field since the mid-'70s.

23 Q. Okay. How many people does your company employ?

24 A. It varies. I think at the moment we probably have 15
25 employees in the shop and about 6 in the office.

1 Q. And what is your role in the company?

2 A. Primarily it's design and boat building management.

3 Q. Okay. What is your title?

4 A. President.

5 Q. Are you also the owner?

6 A. One of the owners, yes.

7 Q. How many owners are there?

8 A. Two.

9 Q. Who is the other owner?

10 A. My brother is Richard Scarano.

11 Q. Okay. What role does he play in the company in
12 addition to being the owner?

13 A. Well, he's Treasurer and he participates from
14 primarily in the office and in design and systems
15 installations. He engages on the boat building end primarily
16 in the mechanical installations, riggings and, you know, yacht
17 and boat systems.

18 Q. Okay. Could you tell us a little bit about your --
19 the history of your work with Shoreline Cruises, how did it
20 first come about and just tell us a little bit about the work
21 you done to them over the years.

22 A. Our first introduction to Shoreline Cruises was in
23 '87. We were contacted and contracted to construct an 88 foot
24 excursion vessel for their use up on Lake George.

25 Q. Okay. And then after that?

1 A. Since then we've delivered another vessel, 115 foot
2 excursion vessel. That was delivered in 2005 -- 2004. Between
3 those periods our work for Shoreline has been limited to, you
4 know, maintenance on the Horicon and we were contracted in '87
5 to do some service work on the Ethan Allen and examining our
6 records, it appears that we did canopy work on the Ethan Allen
7 in -- over the winter, I think of '87, '88, and I believe that
8 we did a canopy installation on a sister ship, the de Champlain
9 the following year, and another half canopy installation on the
10 Algonquin the following year.

11 Q. That'll be '89?

12 A. I think it was -- let me just look at my papers here.

13 Q. Okay.

14 A. It appears that we did -- actually, the timeline was
15 '88 and '89 for the Ethan Allen work, and so the de Champlain
16 would have been '89, '90, and I believe the Algonquin would
17 have been '90, '91.

18 Q. Okay. So, the first -- the -- if I could just, let
19 me see, review this chronologically. The first thing you did
20 would have been the 88-foot excursion vessel?

21 A. Correct.

22 Q. You -- what was the name of that vessel?

23 A. The Horicon, H-o-r-i-c-o-n.

24 Q. Okay. And then the last thing you did was the 115-
25 foot vessel?

1 A. Yeah, that was the Adirondac.

2 Q. Adirondac. And in between, you, among other things,
3 you did canopy work on the Ethan Allen and that was -- that
4 would have been '88 to '89?

5 A. Right.

6 Q. Is that correct? When you say canopy work, what did
7 that involve?

8 A. We installed a wood canopy to replace the metal
9 canvas canopy that was originally on the vessel.

10 Q. And was that the only canopy modification work that
11 you did on the Ethan Allen.

12 A. Yes.

13 Q. Okay. Now, when -- who contacted you from Shoreline
14 about this particular canopy modification?

15 A. I don't have any direct memory on who the initial
16 contact was, but I'm fairly confident it would have been the
17 owner of Shoreline, James Quirk.

18 Q. Okay. And when he contacted you, what exactly did he
19 ask for, did he ask you to do?

20 A. Well, again, I don't have a memory of the exact
21 conversation that took place, you know, 17 years ago, but
22 looking back on it, typically on a job like that, it would
23 have -- what would have occurred was that the owner would
24 advise us to -- what he would like us to do and in the case of
25 the -- on this project, he would have asked that this wood

1 canopy be installed to, you know, to replace the previous
2 canopy. I'm not even certain what his motivation was in that.

3 I know that he preferred wood finishing wherever possible. On
4 the previous boat that we built for him, he seemed to feel that
5 the wood finishes were more attractive and appealing. I can
6 only speculate that he was tired of the maintenance associated
7 with the previous canopy configuration.

8 Q. So, then he talked to you and said that he wanted to
9 replace the canvas canopy with a wood canopy and then what
10 transpired between the two of you? In other words, just take
11 us through what happened between the time he first talked to
12 you and expressed an interest in the canopy to the time you
13 actually delivered the vessel with a new canopy on it.

14 A. Because it was 17 years ago, I really can't speak to
15 much detail on what transpired between the two of us. I can
16 only say that the work was completed, that, you know, our
17 records show that the billing was issued for that work and the
18 bills were paid. I recall that the owner was content with the
19 work, or satisfied with it.

20 Q. Okay. How long did it take to complete the
21 modification?

22 A. I believe the boat was probably in our shop then for
23 a three-month period.

24 Q. Okay. Did you show him a variety of materials and
25 did he select one or how did the particular materials that went

1 into the wood canopy come about?

2 A. Well, typically that would be our recommendation. He
3 would specify his preference for wood. We would make
4 suggestions as to what might be appealing and what might work
5 the best and again, I don't have any precise recollection or
6 data regarding how that design was executed, but typically, the
7 owner would specify generally what he desired in the end
8 product and we would make suggestions and execute the, you
9 know, the best job we could based on feedback from the owner.

10 Q. And what particular wood material did you recommend?

11 A. I believe that the canopy top is red cedar. It's
12 extremely light variety of cedar, next to balsa wood, the
13 lightest timber that I'm aware of.

14 Q. Um-hum. And what was your reason for recommending
15 that red cedar?

16 A. It's extremely rot resistant for one thing. It glues
17 and finishes easily. So, on a cover like that it would be
18 stable and perform well. It is lightweight and reasonably
19 attractive.

20 Q. What about the rest of the canopy? What kind of
21 materials did you recommend for that?

22 A. Well, we used, I believe it was pine for the deck
23 beam on that vessel and we used pine for the lower boards. I
24 think the only two materials -- well, we used pine for lower
25 boards and there is mahogany trim, as I recall, around the

1 windows.

2 Q. Um-hum.

3 A. So, there were three materials in all, the canopy
4 overhead was red cedar, the framing was pine and the trim, I
5 guess, was mahogany.

6 Q. And what was your reason for using pine for the
7 supports, in the framing, rather?

8 A. Well, again, I can't directly advise as to my reason
9 at that time, but now looking back, I can suggest that a reason
10 would have been that it's relatively strong for its weight.
11 It'll take fasteners well. It's a framing material. It has a
12 good combination of strength and weight, and it -- it's
13 reasonably attractive under a varnish finish.

14 Q. Okay. And I guess it's safe to assume that Mr. Quirk
15 was happy with it because then a year later he came back and
16 asked you to do a modification on another vessel, is that
17 correct?

18 A. That's correct.

19 Q. Okay. And then '89, '90, you did a modification on
20 the de Champlain, right?

21 A. I believe those are the dates --

22 Q. Okay.

23 A. -- right.

24 Q. Now, what changes did you make in the de Champlain
25 canopy that was different then the canopy that you put on Ethan

1 Allen?

2 A. I think the changes were light. I did take some
3 measurements on the boats recently and noted that some of the
4 framing was a little bit different. I think that the beams
5 might have been slightly heavier on one vessel and the uprights
6 lighter, and vice versa on another vessel.

7 Q. Um-hum.

8 A. And I can't really speculate as to why that occurred,
9 again, 17 years ago. It might have been availability of
10 materials. It might have been some further development in the
11 refinement of the design that I felt at the time was more
12 efficient for some reason, but beyond that, I could really not
13 even speculate.

14 Q. Well, did Jim Quirk specify any particular
15 modifications of the de Champlain that differed from what he
16 asked for on the Ethan Allen?

17 A. I don't recall any, no.

18 Q. Okay. And then the next year you did a half canopy
19 change on the Algonquin.

20 A. That's correct.

21 Q. Now, why was that change different then the changes
22 that you had made on the de Champlain and the Ethan Allen?

23 A. Are you asking me why it was a half canopy and not a
24 full one?

25 Q. Yes.

1 A. I have no idea. That was the owner's request. I
2 understand that the original Algonquin canopy was also a half
3 canopy. So, I can only assume that he wanted to maintain the
4 two full canopy, one half canopy combination.

5 Q. Okay. Now, you have written correspondence with
6 Shoreline Cruises on these canopy modifications?

7 A. No. The only correspondence we have are some bills
8 that we were able to dig up from that period.

9 Q. Well, you said earlier you were referring to records.
10 What records were you referring to?

11 A. The bills.

12 Q. Okay. Now, one of the things you mentioned is that
13 the pine was stronger then the red cedar. The red cedar was
14 lighter then the pine. What was the total weight of the canopy
15 that you installed on Ethan Allen?

16 A. I don't have that in front of me. It is in the data
17 that we have sent down to the NTSB. I believe it was -- I'd
18 rather not even guess right now. I don't have it in front of
19 me. I could try to find that, but it is -- oh, it's in the
20 canopy report that is -- that has been submitted to your
21 office.

22 Q. Okay. How did you arrive at that weight?

23 A. I recently measured the canopy structure and did a,
24 just a weight study.

25 Q. Did you do any weight study at the time that the

1 canopy modification was made?

2 A. That's a possibility. I don't recall doing one.

3 Q. Okay. Did you -- what discussions did you have with
4 Jim Quirk about the effects of the canopy modification on the
5 weight of the vessel and/or its stability?

6 A. I don't recall any discussion with Jim Quirk
7 regarding either.

8 Q. Okay. You -- have you gotten all of the interview
9 transcripts that were sent to you as a party to the
10 investigation?

11 A. The only transcript I've received are the interviews
12 with Gerald Thornell and the interview, I've forgotten her
13 name, but the photographer that was on board the Mohican on the
14 day of the accident. I haven't received any others.

15 Q. Okay. All right. Well, we -- I apologize for that.
16 Once you're designated a party, you should have gotten all of
17 the transcripts.

18 A. Okay. Well, I'll look forward to receiving them, but
19 that's -- they were on one CD and I haven't received any others
20 yet.

21 Q. Okay. Well, I'm going to -- one of the interviews we
22 had with Mr. Quirk referenced discussions that he had with you
23 as to the modification on the Ethan Allen.

24 A. Okay.

25 Q. So, what I'd like to do is just read from that and

1 ask you about that.

2 A. Sure.

3 Q. And what I'm referring to now is Page -- this is
4 Page 11 of the interview transcript that was completed on
5 October 7th with Jim Quirk.

6 MR. VAN HEMMEN: This is Rich VanHemmen, in the
7 interest of completeness, would you mind reading it right now?

8 MR. STRAUCH: Yeah, I'm going to read it out loud.

9 MR. VAN HEMMEN: Okay.

10 BY MR. STRAUCH:

11 Q. The question was asking for background about canopies
12 and Mr. Quirk said, I did one a year for about three years. I
13 changed each one around, I mean, from the canvas over the metal
14 top. We took that metal top off and that was -- that work was
15 done in the Port of Albany by Scarano Brothers, and we brought
16 the boat down there and brought it back. Now, when it was
17 done, I'm starting to get a little handle on that and that was
18 more or less because another captain said, well, he started
19 work for me in '93. That was already there. Those canopies
20 were on in '93, so it had to be before '93. Exactly when, I
21 don't -- again, it was different years, different boats,
22 different years.

23 Question, as far as you know, are those -- were there
24 any other modifications made weight-wise and structurally to
25 the vessel over the years, the Ethan Allen.

1 Answer, no, no major modifications. I'm not sure if
2 there's a weight modification or not. I think in speaking to
3 John Scarano about it even as recently as when he did the
4 stability test for you up here, that was the fellow.

5 And then Question, Right.

6 Answer, one word answer, then he says, John, I mean,
7 Question, John and Bob.

8 Answer, again from Mr. Quirk, Yeah, and I asked them
9 about that and I didn't pursue it too much. I was quite busy,
10 but at that point he, and he's referring I believe to you,
11 John, he indicated that, well, he felt that the new top
12 probably would be a much more stable top then the other. He
13 didn't feel it was heavier at all but he also felt it was a bit
14 more streamlined and, in fact, it didn't pick up as much wind
15 resistance as the canvas with its holding down and all the
16 water falls on it and all that. So, he basically, well, that
17 was his opinion. Usually his opinion is pretty good. So, if,
18 you know, I'm sure he would share that with you as well.

19 John, could you tell us about that conversation you
20 had with Mr. Quirk?

21 A. I'm not sure I could answer to what Mr. Quirk said.
22 I mean, I recall a conversation where he asked if we had done
23 any stability work at the time of the installation and I told
24 him I had no specific memory of it and he told me he didn't
25 either. As far as a conversation that we had about the vessel

1 being, or the canopy being lighter or more streamlined, which
2 conversation occurred after the accident?

3 Q. No, that would have been at the time the modification
4 was done.

5 A. Oh, well, I don't remember a conversation in 1989
6 where I described the canopy being more streamlined or lighter.
7 I can't, you know, deny that I had it either. There may have
8 been good reason in 1989 for me to make that assumption since,
9 in fact, if the canopy was steel, which seems like the most
10 likely material, that, indeed, the new canopy would have been
11 actually lighter, as well as lower.

12 Q. Okay. Well, later on in the interview and on Page
13 30, and again, this is the October 7th interview with
14 Mr. Quirk, the question, and when they did the change out, now,
15 this is a change out referring to engines, did they determine
16 what the weight differences were between the two engines?

17 Answer, I don't believe so.

18 Okay, then -- this is a Question, and then again in
19 the same timeframe I guess you went from the steel and canvas.

20 Answer, canvas.

21 Question, into the solid wood. When they did the
22 change out, they determined what the weight differences were?

23 Answer, I don't know. You'd have to check with John
24 Scarano on that. That was one of the things I was asking about
25 and I didn't get a reply to say they exactly knew the

1 difference, other than they thought, what they thought, John's
2 thought was basically that the structure they had put on, it
3 was basically a more stable, a better structure than what was
4 there previously and he felt he didn't change what's -- the
5 wood weight would not change the weight, the ratio so it would
6 change the center of gravity.

7 And also, for winds he felt the wind resistance too
8 was a little bit more streamlined than the canvas.

9 Do you recall that conversation?

10 A. I don't recall any conversation directly with Jim
11 Quirk 17 years ago, frankly, but I wouldn't deny that it may
12 have happened.

13 Q. Okay. John, I don't have any more questions for you
14 right now. I'm going to turn you over to --

15 MR. STRAUCH: Rob, do you have any questions?

16 MR. HENRY: Yes.

17 MR. STRAUCH: I'm going to turn this over to Rob
18 Henry from the NTSB.

19 BY MR. HENRY:

20 Q. John, the three Dyer 40's, how did they get down to
21 Albany?

22 A. The canopies were removed in Lake George. The
23 Adirondac Northway has a -- I'm not sure exactly, I think it's
24 a 12 1/2 foot height with it. I don't believe those vessels
25 would have made it down over the road at the -- in there

1 previous configuration because of the height problems. So,
2 they were removed on Lake George, transported down to Albany
3 without a canopy and after the canopy work was completed, they
4 were, well they were able to fit under the bridges because of
5 the height difference and they were transported back up on the
6 same truck.

7 Q. So, you didn't physically remove the old canopies?

8 A. No.

9 Q. Have you seen the vessels close enough to have a feel
10 for what was on there prior to the removal of the old canopies?

11 A. I believe we would have been pretty familiar with
12 them because we -- when we built the Horicon in '87, '88, we
13 spent probably a month to two months at the Shoreline docks
14 installing upper decks and fitting out the Dyer 40 tour boats
15 would have been coming in and out of the docks very frequently
16 during that period. So, I would say my familiarity with the
17 boats was pretty good, based on that.

18 Q. Now, you made a submission to us with some
19 calculations on different configurations of the existing
20 canopies plus the canopy that you installed on there. Where
21 did you get any information to base your calculations on the
22 existing canopy?

23 A. Pre-existing canopies?

24 Q. Right.

25 A. Those were taken from photographs. Fortunately, we

1 had some good photographs of the original canopies as we
2 photographed the Horicon being built up there on the side and
3 sort of as a aside in the photographs were some good detailed
4 photos of the original canopies and one in particular without
5 the cover on it so that you could analyze the actual length and
6 structure of the piping.

7 Q. Okay. So the only unknowns were what the material,
8 the metal material actually was of.

9 A. Yeah. That's the reason there are three materials
10 that were weighted in our submission. We've been advised that
11 the most likely material was steel, but we haven't been able to
12 confirm that and so we thought to validate our analysis, we
13 would include the three plausible materials that might have
14 been used in the mid-'70s on the original canopy and, you know,
15 they are schedule 40 steel pipe and a lighter version of steel
16 piping, and an aluminum tubing.

17 Q. Did you -- did Scarano Building do the engine change
18 out?

19 A. No. No, we didn't.

20 Q. And that was done sometime I think around in 2000.
21 Prior to the accident, had you performed any stability work at
22 all on any of the three Dyer 40s for Shoreline?

23 A. No. No, we hadn't.

24 Q. Were you aware what the basis of their stability
25 approval was based on?

1 A. I'm not sure I'm understanding the question, Rob.
2 Are you asking was I aware that they were required to meet the
3 Simplified Stability Standard?

4 Q. Or -- not what they were required to meet, but were
5 you aware of any stability work that had been done on them, how
6 they had been --

7 A. Yes.

8 Q. -- approved for stability or whether stability was
9 weighed, or just, do you have any knowledge of the stability
10 that was done on them?

11 A. Well, my understanding at the time was that they were
12 inspected vessels. You know, we understood that those boats
13 obviously took passengers for hire. We understood that
14 passenger vessels were required to carry a certificate and we
15 also understood that the certificates were issued by New York
16 State. We also understood that New York State imposed the same
17 stability standard as the Coast Guard.

18 Q. Okay. John, was the canopy work that you did, did
19 that include the installation of the Plexiglas windows?

20 A. Yes. Yes. Yes, it did.

21 Q. Okay. Now, you said you've built a number of vessels
22 for excursion, all of them Coast Guard -- some of them Coast
23 Guard, some of the state regulated?

24 A. Yeah. I think probably all but a few were Coast
25 Guard and a couple were state.

1 Q. Which state?

2 A. New York.

3 Q. And you typically would perform any of the stability
4 work that was required?

5 A. Yes. Yes.

6 Q. And so you're aware of the requirements that the
7 state would have in assessing the stability?

8 A. Yeah, because we had delivered the Horicon the year
9 before we were quite familiar with the state's standard.

10 Q. Now, was the -- did the Horicon receive a Simplified
11 Stability Test or some other stability assessment?

12 A. It was a Simplified Test.

13 Q. And the other vessel that operates on Lake George?

14 A. The Adirondac that was delivered in '05 was -- in
15 2004 was a -- was Inclining.

16 Q. And what subchapter -- well, you said that it --
17 New York State requires that it meets Coast Guard stability
18 standard. What standard did it have to meet?

19 A. It was required to meet the same standards as the
20 Coast Guard both for impact and damage.

21 Q. Would it be a Subchapter T vessel or a Subchapter H
22 vessel?

23 A. It would have been a T.

24 Q. T. And you did the stability work on that vessel as
25 well?

1 A. That's right.

2 Q. Does the state require that an individual that's
3 performing a stability assessment, either Simplified or an
4 Inclining, have any sort of license? Do they require that you
5 have a professional engineer's license?

6 A. No. I believe they follow the same guidelines that
7 the Coast Guard does on that.

8 Q. Okay. Do you have a professional engineer's license?

9 A. No.

10 Q. Can you give us a short characterization of the work
11 that the Safety Board contracted to do with you following the
12 Ethan Allen accident?

13 A. Yeah. I think we were contacted initially by Brian
14 Kempf the day after the accident and we arrived on the lake on
15 the, I believe it was October 5th, to conduct a stability test.
16 I was introduced to the NTSB and to yourself, Rob, that day and
17 we proceeded to conduct a Simplified Stability Test which we
18 followed on the same day with an Inclining.

19 Q. And a Simplified Stability Test was done in
20 accordance with what standard?

21 A. Let me grab that for you.

22 MR. VAN HEMMEN: This is Rick VanHemmen. Rob, this
23 is you asking questions, right?

24 MR. HENRY: Yes, it is.

25 MR. VAN HEMMEN: Okay. But this is for the record, I

1 suppose, because you do have that information, right?

2 MR. HENRY: Right. This is just to be put in, yeah,
3 for the record, this particular transcription.

4 MR. VAN HEMMEN: Okay.

5 MR. HENRY: The other items will be in the docket as
6 well, but this is just for the -- if somebody wants to know
7 the -- and have a complete record of John's involvement with
8 the vessel that they have, you know, both the work done for
9 Shoreline and the work done for us.

10 MR. VAN HEMMEN: I just wanted to make sure we got
11 complete information.

12 MR. SCARANO: Well, the -- I'm just reading off of
13 the Small Passenger Vessel Stability Test Form, Rob. It refers
14 to 46 CFR 179.10-1.

15 BY MR. HENRY:

16 Q. Okay. And that's based on the Simplified Stability
17 Test?

18 A. That's right.

19 Q. And just for the record, what did we find when the --
20 when we were conducting the test?

21 A. We applied approximately half of the required moment
22 before we determined that we had reached the top of the
23 righting arm curve and that any further moment was going to be
24 at the risk of capsizing the vessel.

25 Q. Okay. And have you formed any conclusions as to why

1 the vessel failed that test?

2 A. Well, physically it failed the test because it
3 couldn't support the required dewy moment (ph.) that the
4 standard calls for because of combinations of, you know,
5 hydrostatics, you know, characteristics of the vessel and I'm
6 not sure if you're asking why it physically failed the test or
7 why it was -- or what made it -- what might have transpired to
8 enable it to be certificated with the amount of stability that
9 it had.

10 Q. I guess we physically know why it didn't pass the
11 test. I'm just, you know, from your having worked with the
12 vessel before, if you have any theories on what might have
13 caused it to fail the test because we basically tested it in
14 accordance with the Certificate of Inspection that is in issue.

15 A. Right. Well, my question, I guess, when it was
16 apparent that -- the nature of the vessel's stability was
17 apparent was that the amount of stability the boat had was
18 grossly under the requirements of the standard and my reaction
19 to that was to desire to see the stability test on the vessel
20 when it was done, you know, I think we all were very curious as
21 to what the original stability test looked like and how it
22 could be that it performed this way on this test while it
23 carried a COI. As far as why the boat was certificated and
24 carrying passengers with that amount of stability is a question
25 that I can't answer. I could only speculate. I --

1 MR. VAN HEMMEN: Well, in this case, this is Rick
2 VanHemmen, I don't think we should speculate.

3 MR. HENRY: Okay.

4 MR. VAN HEMMEN: I mean, it's basically as dumping
5 something on an NTSB investigation. It seems to me it's more
6 appropriate to find fact in this particular hearing, is that
7 correct?

8 MR. HENRY: Rick, I didn't hear that last --

9 UNIDENTIFIED MALE SPEAKER: That's fine, Rick.
10 That's fine.

11 MR. VAN HEMMEN: I mean, typically we'll discuss this
12 and we'll be more than happy to come up with theories and
13 things like that, but I think that it's probably a different --

14 MR. HENRY: You all typically don't get involved when
15 we get into the analysis of the work that we've done, but if
16 John had any particular notions as to why we found what we
17 found and he would want to share those with us, that's fine.
18 If you all want to beg off on that questions, that's fine.
19 Maybe John can tell us what was done on the afternoon of that
20 day, the second test that was conducted.

21 MR. SCARANO: Right. The second test that we
22 conducted was an Inclining. That was done per -- the
23 definition of the Inclining is per AFT and that's 113.21 format
24 and the results of that Inclining have been submitted to the
25 NTSB.

1 BY MR. HENRY:

2 Q. And any irregularities in the way that test was
3 conducted?

4 A. No. It was a test that was done -- typically that
5 test would have been conducted with a set of lines for the
6 vessel beforehand and a base line pre-established that
7 references would be made to for weights to be removed from the
8 vessel for the Inclining analysis, but in this case, it was
9 desirable to have the test done while we were there with
10 just -- set ups and so we were able to sort of, well, we were
11 able to establish a temporary baseline and readjust the
12 inclining light ship weight edit to the final baseline when we
13 submitted the Inclining report. Aside from that sort of an
14 unusual procedure, I think that the Inclining went fairly
15 smoothly.

16 Q. Okay. But the two larger vessels, the Horicon and
17 the Adirondac, you said the Horicon initially received a
18 Simplified Stability Test and the Adirondac was Inclined. Have
19 they -- since that -- those original tests, have they been
20 reassessed for stability?

21 A. I did an Inclining on the Horicon I think in 1998 but
22 that was done on my own initiative without any official witness
23 or review.

24 Q. Okay. That's all the questions I have. Thank you,
25 John.

1 A. Thanks, Rob.

2 BY MR. TURRELL:

3 Q. Hey, John, this is Morgan Turrell. I just have a few
4 questions for you. Make it real quick. When Jim Quirk, to
5 your best knowledge, I know it's a long time ago and this
6 Morgan Turrell, NTSB, did he -- did the two of you sit down and
7 sketch out or drawn any diagrams of the proposed canopies?

8 A. I don't recall the two of us together working out
9 drawings. Typically we might work up a sketch and present it
10 to the owner for his review.

11 Q. Okay. And when you did that, did you have the
12 original plans to work with?

13 A. No, we did not. We would have estimated a profile of
14 the vessel from, you know, measurements in the field.

15 Q. Okay. So you took detailed measurements so you'd
16 know where to put all the bull works and the weight members and
17 all that stuff, right?

18 A. Yes. Yes.

19 Q. Okay. The second question I had for you is, do you
20 do any work for Sagamore Hotel or the Lake Steamboat folks over
21 at --

22 A. We've done some service work for the Sagamore. We've
23 had no relationship with the steamboat companies.

24 Q. Okay. And the day of the accident, do you recall how
25 you first learned about the accident and did Jim Quirk have a

1 chance to talk to you before Brian called you?

2 A. I first learned about the accident I think within a
3 couple of hours. I was out of town and that was through a
4 phone call from one of our office people in Albany.

5 Q. Okay.

6 A. And I believe the first I spoke with Jim Quirk was on
7 October 5th, immediately after the stability testing.

8 Q. Okay. I don't have any other questions right now.

9 MR. TURRELL: We'll go to Brian Kempf, New York
10 State.

11 MR. KEMPF: Morgan, Brian Kempf here. I don't really
12 have any questions for this point.

13 MR. TURRELL: Okay. Mr. Pelto.

14 MR. PELTO: I have no questions at this time.

15 MR. TURRELL: Okay. Rob.

16 MR. HENRY: Nothing.

17 MR. TURRELL: Liam.

18 MR. LARUE: No, nothing from me.

19 MR. TURRELL: Okay. Actually, we'll discuss -- we
20 already know this is being record. This Morgan Turrell, NTSB,
21 this has been recorded.

22 MR. VAN HEMMEN: By the way -- this is Rick
23 VanHemmen.

24 MR. TURRELL: Oh, Rick, sorry. Go ahead.

25 MR. VAN HEMMEN: That's okay because I don't have a

1 lot of questions, but I, in my notes I looked back real quick
2 and I noticed it is -- maybe it is not entirely clear that all
3 the stability testing that was done after the incident was on
4 the de Champlain, the sister ship, and I just wanted to note
5 that on the record. I could have been wrong, but I --

6 MR. SCARANO: That's correct.

7 MR. TURRELL: Yeah, you're absolutely correct.
8 That's right. The stability test done after the accident was
9 on the de Champlain.

10 MR. VAN HEMMEN: Right. And the other thing is that
11 I posted one objection at one stage where I said to John, don't
12 speculate, that particular thing did not mean that I restricted
13 John in any way to provide any information that he had that
14 might provide NTSB with information as to what actually
15 happened, factual information as to why there was not
16 sufficient stability at that time. So, if John has anything,
17 you know, I don't -- I want to make sure there was no confusion
18 in that regard.

19 MR. TURRELL: No, I think -- John, I understand.
20 Thank you for that clarification, Rick.

21 MR. VAN HEMMEN: Okay.

22 MR. TURRELL: If there's anyone else has anything to
23 say right now, speak now.

24 (No response.)

25 MR. TURRELL: No? Okay. So, I'll --

1 UNIDENTIFIED MALE SPEAKER: I just wanted to make
2 sure we'll thank John.

3 MR. TURRELL: Well, we'll stop the recording. We'll
4 do the niceties in just a moment.

5 We'll go ahead and acknowledge this is being
6 recorded. Start with you, John.

7 MR. SCARANO: Yeah, John Scarano, I acknowledge.

8 MR. TURRELL: And Rick.

9 MR. VAN HEMMEN: Yes.

10 MR. TURRELL: Brian Kempf.

11 MR. KEMPF: Acknowledge.

12 MR. TURRELL: Iain.

13 MR. PELTO: Acknowledge.

14 MR. TURRELL: Thank you, and NTSB, this has been
15 recorded. This ends the recording. It's Friday, March 10th,
16 at 2:55 and I really appreciate all your help in this. We'll
17 stop the recording and go off the record and we'll make a few
18 remarks. Thanks.

19 (Whereupon, at 2:55 p.m., the interview in the above-
20 entitled matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of John Scarano

DOCKET NUMBER: DCA-06-MM-001

PLACE: Washington, D.C.

DATE: March 10, 2006

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Mary Anne Jones
Transcriber